

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

EUGENE JACKSON,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00518

THOMAS MCBRIDE and
C. J. RIDER,

Defendants.

JUDGMENT ORDER

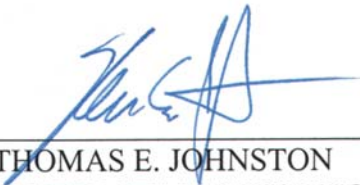
By Standing Order entered on July 21, 2004, and filed in this case on June 27, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R on August 31, 2007 [Docket 5]. In that filing, the magistrate judge recommended that this Court deny Defendants' Motion to Dismiss [Docket 10], grant Defendants' Motion to Dismiss or for Summary Judgment in the Alternative [Docket 17], deny Plaintiff's Request for Injunctive Relief [Docket 1], and remove this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*,

727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by September 17, 2007, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Having reviewed the PF&R filed by Magistrate Judge VanDervort, the Court **ADOPTS** the recommendations contained therein. Accordingly, the Court hereby **DENIES** Defendants' Motion to Dismiss [Docket 10], **GRANTS** Defendants' Motion to Dismiss or for Summary Judgment in the Alternative [Docket 17], **DENIES** Plaintiff's Request for Injunctive Relief [Docket 1], and **DIRECTS** the Clerk to remove this matter from the Court's docket. Further, the Court **DIRECTS** the Clerk to send a copy of this Judgment Order to counsel of record, Plaintiff, *pro se*, and Magistrate Judge VanDervort.

ENTER: September 24, 2007



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE